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OFFICE OF PETITIONS

In re Application of :
Frederick M. ENRIGHT et al. :
Application No. 10/617,561 : **DECISION ON PETITION**
Filed: July 11, 2003 :
Attorney Docket No. 026039-0362798 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 05, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 04, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 06, 2007.

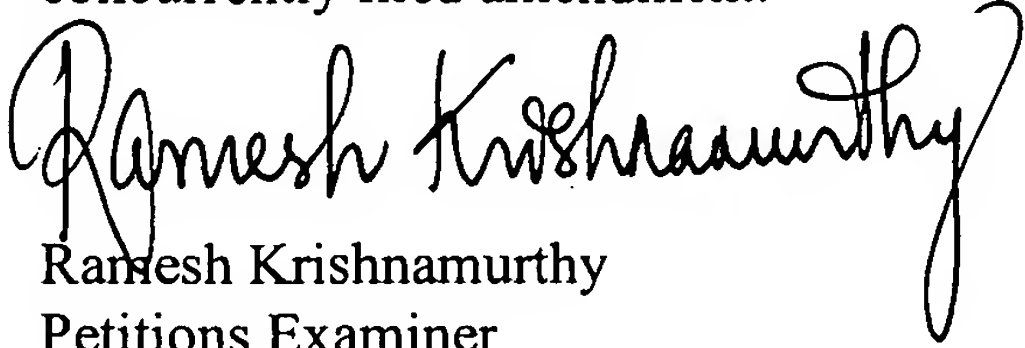
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action May 04, 2007 is accepted as having been unintentionally delayed.

In response to the Statement of Facts, included with the instant petition, it is noted that the copy of the date stamped return-postcard establishes the filing date of reply as November 07, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$525 extension of time fee submitted after the date of abandonment on November 07, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1647 for appropriate action on the concurrently filed amendment.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive, flowing style with a large initial 'R' and a long, sweeping tail that extends to the right.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions